

*Ryan Underwood*

*Boudjerada v City of Eugene*

*July 1, 2021*



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HASHEEM BOUDJERADA; DAMON ) No. 6:20-cv-1265-MK  
COCHRAN-SALINAS; ERIN GRADY; )  
TYLER HENDRY; and KIRTIS )  
RANESBOTTOM, )  
Plaintiffs, )  
v. )  
CITY OF EUGENE; SARAH MEDARY; )  
WILLIAM SOLESBEE; SAMUEL STOTTS;) )  
BO RANKIN; TRAVIS PALKI; MICHAEL )  
CASEY; ANTHONY VIOTTO; and RYAN )  
UNDERWOOD, )  
Defendants. )

DEPOSITION OF RYAN UNDERWOOD

July 1, 2021

Thursday

2:51 P.M.

1 THE DEPOSITION OF RYAN UNDERWOOD was taken  
2 at the Eugene Police Department, 300 Country Club  
3 Road, Kilcullen Conference Room, Eugene, Oregon,  
4 before Sara Fahey Wilson, CSR, Certified Shorthand  
5 Reporter in and for the State of Oregon and  
6 Washington.

7  
8 APPEARANCES

9 For the Plaintiffs:

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APPEARANCES

(Continued)

Videographed By:

CLAIRE MAEDERER - CC REPORTING

Also Present:

MS. SARAH ALVAREZ

Reported by:

SARA FAHEY WILSON, OREGON CSR/WASHINGTON CCR

EUGENE 541-485-0111

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Ryan Underwood

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None.

1 THE VIDEOGRAPHER: We are on the  
2 record. Today is Thursday, July 1st, 2021. The  
3 time is 2:51 p.m. This is the deposition of Ryan  
4 Underwood in the matter of Boudjerada, et al.,  
5 versus the City of Eugene, et al.

6 Our court reporter is Sara Fahey  
7 Wilson. My name is Claire Maederer, and I'm CC  
8 Reporting's remote video technician.

9 At this time I'd like to ask counsel  
10 to identify themselves and whom they represent, and  
11 then the reporter will swear in the witness.

12 MS. DUGAN: Marianne Dugan for the  
13 plaintiffs, and with me is Sara Alvarez, also an  
14 attorney for Civil Liberties Defense Center, for the  
15 plaintiffs.

16 MR. MILLER: Ben Miller for the  
17 defendants.

18  
19 RYAN UNDERWOOD,  
20 having been first duly sworn to testify the truth,  
21 the whole truth, and nothing but the truth, was  
22 examined and testified as follows:

23 / / /

24 / / /

25 / / /

EXAMINATION

BY MS. DUGAN:

Q. Good afternoon. Is it Detective Underwood?

A. Yes, ma'am.

Q. And what is your middle name?

A. Joseph.

Q. And what's your badge number?

A. 699.

Q. Let's see.

Are you taking any medications or are there other factors that could affect your ability to remember events or to understand my questions?

A. No.

Q. And have you participated in a deposition before?

A. Yes.

Q. How many times?

A. I believe one.

Q. Do you remember what it was?

A. I used to be a child abuse investigator, and it was a part of my job before trial to attend depositions.

Q. Okay.

A. I recall being at one.

1 Q. And did you ever have to testify at trial  
2 in a civil matter?

3 A. Yes.

4 Q. Child abuse?

5 A. Yes, ma'am.

6 Q. Okay.

7 Anything else?

8 A. No.

9 Q. If you don't understand any of my  
10 questions -- one of my questions -- let me know and  
11 I'll rephrase it. If you're going to answer yes or  
12 no, please make sure to say that out loud rather  
13 than just nodding or shaking your head.

14 A. Okay.

15 Q. And I believe you sat through Officer  
16 Viotto's deposition and also the depositions this  
17 morning?

18 A. Yes, ma'am.

19 Q. And yesterday?

20 A. Yes, ma'am.

21 Q. Yeah. Okay.

22 Did you review any documents or body  
23 camera footage to prepare for today's deposition?

24 A. Yes.

25 Q. What did you review?



1 A. I reviewed my police report, my body  
2 camera, the interrogatories, and the administrative  
3 order.

4 Q. And other than your attorney, who have you  
5 discussed this lawsuit with?

6 A. No one.

7 Q. And how long -- don't tell me anything you  
8 said, but how long did you spend preparing with your  
9 attorneys for this deposition?

10 A. I don't have a number.

11 Q. Hours?

12 A. Maybe.

13 Q. And when was that? Very recently?

14 A. I watched body camera this week and  
15 reviewed my report over the last couple months.

16 Q. And then you sat with the attorney for a  
17 period of time?

18 A. Yes, ma'am.

19 Q. How long?

20 A. I don't know.

21 Q. Was it yesterday?

22 MR. MILLER: Counsel, how is this  
23 likely to lead to the discovery of admissible  
24 evidence?

25 MS. DUGAN: I'm just interested in how

1 much people have prepared for the deposition.

2 A. I don't have a number on how long I spent  
3 with my attorney.

4 BY MS. DUGAN:

5 Q. You don't remember?

6 A. No.

7 Q. Let's see.

8 What is your current job title?

9 A. I am a detective with the Eugene Police  
10 Department.

11 Q. And how long have you worked with the EPD  
12 overall?

13 A. I was hired in June 2017.

14 Q. And have you been a detective the whole  
15 time?

16 A. No. I started being a detective January  
17 2020.

18 Q. Okay.

19 And what was your position before that?

20 A. Patrol officer.

21 Q. And have you worked for any other police  
22 department?

23 A. Yes.

24 Q. Where have you worked?

25 A. I worked as a patrol deputy for the

1 Hillsboro County Sheriff's Office in Tampa, Florida.

2 Q. What period of time was that?

3 A. March 2015 to June 2017.

4 Q. And anywhere else as a police officer?

5 A. No.

6 Q. And what other jobs, if any, have you had  
7 as an adult?

8 A. I was a child abuse investigator for the  
9 Hillsboro County Sheriff's Office before my time in  
10 law enforcement.

11 Q. That was in Tampa?

12 A. Yes, ma'am.

13 Q. Are you involved with the Joint Terrorism  
14 Task Force?

15 A. No.

16 Q. Let's see.

17 Are you on any boards of directors?

18 A. No.

19 Q. Did you go to college after high school?

20 A. Yes.

21 Q. Where did you go?

22 A. I went to several colleges.

23 Q. Did you get a degree?

24 A. Yes.

25 Q. What degree did you get?

1           A.       I have a bachelor's degree and a master's  
2 degree.

3           Q.       What's the bachelor's in?

4           A.       Criminal justice.

5           Q.       And where did you get that degree?

6           A.       University of Alaska, Anchorage.

7           Q.       And what's the master's in?

8           A.       Public administration.

9           Q.       Where did you get that degree?

10          A.       Jacksonville State University.

11          Q.       And what other colleges have you gone to?

12          A.       University of Alabama. University of  
13 Alaska, Fairbanks.

14          Q.       Do you have -- have you received any  
15 training in First Amendment issues, the rights of  
16 protesters?

17          A.       I received training during the police  
18 academy that dealt with First Amendment rights, and  
19 City Attorney Ben Miller also provides legal updates  
20 every so often.

21          Q.       Okay.

22                   And regarding the events of May 31st,  
23 2020, do you have any personal notes, field notes,  
24 emails, texts?

25          A.       I recorded an individual's name and a date

1 of birth on a field note but nothing else.

2 Q. Do you remember which person that was?

3 A. Tyler Hendry.

4 Q. And the body cam footage I was given by  
5 Mr. Miller associated with you, it's about six  
6 minutes long, five and a half minutes long.

7 Does that sound right?

8 A. Sounds right.

9 Q. Is that the only body cam footage or  
10 in-car video with you between 10:30 p.m. and 11:30  
11 p.m., May 31st?

12 A. I don't know. I know that there are  
13 several body cam videos from that night. I don't  
14 know the time frames, though.

15 Q. Okay.

16 Do you know why the body cam footage for  
17 the body camera was turned at -- the six-minute one  
18 -- why it was turned on at the time it was turned  
19 on?

20 A. Yeah. When I exited my vehicle I thought  
21 I had turned on my body camera. I didn't notice  
22 until the arrest that it wasn't turned on and so I  
23 immediately turned it on then.

24 Q. Did you notice that your body camera  
25 footage states that it's 6:01:26 a.m. when the

1 context of the other arrests -- of the arrest shows  
2 that it would have been more like a little after  
3 11:00 on May 31st?

4 A. I think they change that to Zulu time.

5 Q. Zulu?

6 A. Uh-huh. There's a Z at the end of the  
7 time. That dictates a different time frame.

8 Q. Is that a time zone, or --

9 A. I think so. I'm not 100 percent sure.

10 Q. Okay.

11 Who was involved with handling your  
12 hiring, if you remember?

13 A. That's a decision that's made by multiple  
14 people, not just one. You'd have to talk to the  
15 department about that.

16 Q. Did you interview with anybody in  
17 particular?

18 A. I interviewed with a group panel, but I  
19 don't remember who was on there.

20 Q. Okay.

21 So other than the events of May 29th to  
22 June 1st of last year, have you ever been involved  
23 with responding to protests?

24 A. I worked the protests in my detective  
25 capacity after that.

1 Q. After June 1st?

2 A. Yes.

3 Q. Not -- nothing before?

4 A. No.

5 Q. So when you were -- what time did your  
6 shift start on May 31st? Do you recall?

7 A. I don't remember.

8 Q. When you were working on May 31st, were  
9 you working as a patrol officer or as a detective?

10 A. As a detective.

11 Q. So how is that distinct from being a  
12 patrol officer? What was you -- what were your  
13 duties?

14 A. To assist patrol whenever they needed it.

15 Q. Were you doing investigative work at the  
16 same time?

17 A. No.

18 Q. So the word "detective," it doesn't mean  
19 being a detective like we untrained people think of  
20 it as like somebody on TV who is a detective. You  
21 were just assisting with patrol?

22 A. Yeah, if they needed it.

23 Q. Okay.

24 (Deposition Exhibit Number 1  
25 marked for identification.)

1 BY MS. DUGAN:

2 Q. This is -- showing you Exhibit 1, it's the  
3 Eugene Police Department's policy regarding  
4 body-worn video.

5 On page 2 -- let's see -- it's 1203.4  
6 policy -- it states that the officers

7 (reading): All sworn uniform personnel  
8 should ensure the body-worn video system  
9 is functioning properly and check to ensure.

10 And (b) is (reading): Correct date  
11 and time stamp.

12 Did you check every time, every day, when  
13 you went on duty, check the date and time?

14 A. That's not something that you check on the  
15 body camera.

16 Q. Where do you check it?

17 A. If you were to record a video, you can  
18 then go check it on there, but I don't have any way  
19 to change that or address that. That's a time thing  
20 with Axon.

21 Q. Okay.

22 So this thing about Zulu, who told you  
23 that that was a Zulu time?

24 A. I think I remember hearing about it in  
25 passing.



1 Q. Was that a cause of confusion for anybody?

2 A. No.

3 Q. How would one know how to translate that  
4 time to Pacific Standard?

5 A. The internet. I don't know.

6 Q. On page 3, Policy 1203.7.1, Required  
7 Recording (as read): Officers must use the  
8 BWV system to record any of the following for  
9 its entire duration of a list of things.

10 So if I understand you correctly, you knew  
11 that you should have turned on your camera when you  
12 left the vehicle but you accidentally did not?

13 A. I wouldn't say that I did not. I,  
14 generally speaking, always turn on my body camera  
15 when I exit the vehicle if I'm going to make contact  
16 with someone or I'm in a situation that could  
17 potentially lead to that. It just didn't happen to  
18 turn on.

19 Q. Is there a light or something indicating  
20 when it's on?

21 A. I believe so.

22 Q. And did you see that the light -- did you  
23 think the light was on, or did you not check?

24 A. I don't remember.

25 Q. Okay.

1 So on May 31st starting at, say, a quarter  
2 to 11:00 p.m. who was your supervisor?

3 A. Sergeant Dorman.

4 Q. Dorman, D-O-R-M-A-N?

5 A. Yes.

6 Q. And were you in a vehicle with him?

7 A. No.

8 Q. Were you in your own vehicle -- were you  
9 in a vehicle?

10 A. I was in a vehicle.

11 Q. And just you?

12 A. No. With a group of other detectives.

13 Q. Okay.

14 What type of vehicle were you in?

15 A. An undercover vehicle.

16 Q. And why were you in an undercover vehicle?

17 A. Because that's what was -- that's what we  
18 were told to drive.

19 Q. Who told you to drive that?

20 A. Sergeant Dorman.

21 Q. And were you in uniform?

22 A. Yes.

23 Q. And who else was in the vehicle with you?

24 A. Detective Peterson, Detective Kaiser, and  
25 Detective White.

1 Q. And were they all in uniform?

2 A. Yes.

3 Q. Let's see.

4 Where was Sergeant Dorman during --  
5 between 10:45 p.m. and 11:30 p.m.?

6 A. I don't know. You'd have to ask him.

7 Q. Okay.

8 So he wasn't with your group in another  
9 vehicle?

10 A. He was. I just don't know where he was  
11 at.

12 Q. Okay.

13 You weren't following him or vice versa?

14 A. No.

15 Q. Were you following anybody else, or  
16 just --

17 A. No.

18 Q. Okay.

19 What do you recall between 10:45 p.m., May  
20 31st, and 11:30 p.m. -- what do you recall in terms  
21 of any directives you were given or orders you were  
22 given?

23 A. I don't recall any.

24 Q. When do you remember hearing that the  
25 curfew was going to be city-wide? What time?

1 A. I don't recall. I would say maybe 10:50,  
2 10:55, possibly. I'm not 100 percent sure.

3 Q. And was there -- did you hear any  
4 confusion on the radio or in your own vehicle  
5 regarding the timing, whether it was going to be  
6 midnight or 11:00?

7 A. No.

8 Q. Did your vehicle -- probably not because  
9 it was undercover -- but did anybody give notice to  
10 anybody in the public --

11 A. No.

12 Q. Okay.

13 Did you hear admonishments being given to  
14 the public about the curfew?

15 A. Yes.

16 Q. About the city-wide curfew?

17 A. Yes.

18 Q. What were people being admonished to do?

19 A. I don't recall what the exact verbiage  
20 was.

21 Q. And when you heard about the curfew  
22 expanding city-wide, do you recall where your  
23 vehicle was, approximately?

24 A. I don't.

25 Q. Did you -- were you near the Whole Foods

1 at any time?

2 A. Yes.

3 Q. And what did you observe people doing at  
4 Whole Foods?

5 A. I observed a large crowd that was chanting  
6 and throwing objects at police.

7 Q. What kind of objects?

8 A. I don't remember.

9 Q. Did any of the objects hit police?

10 A. I don't know.

11 Q. Other than objects being thrown, did you  
12 see any behavior that you felt was violent?

13 A. Throwing objects at others is violent.

14 Q. I said other than that, did you see  
15 anything that you thought was violent?

16 A. Not other than that, no.

17 Q. Did you see anybody fighting physically  
18 with anybody else?

19 A. No.

20 Q. Did you see anybody damaging property in  
21 any way?

22 A. No.

23 Q. I'll get your report.

24 MS. DUGAN: This is 3?

25 THE REPORTER: 2.

1 MS. DUGAN: It's 2?

2 THE REPORTER: Uh-huh.

3 (Deposition Exhibit Number 2  
4 marked for identification.)

5 BY MS. DUGAN:

6 Q. Looking at Exhibit 2, I believe this is  
7 your arrest report regarding Tyler Hendry. And have  
8 you read this recently?

9 A. Yes.

10 Q. Okay.

11 So on page 2 you say that  
12 (reading): Several individuals began blocking  
13 traffic by sitting in the middle of the  
14 street.

15 Do you remember what street that was?

16 A. I believe it was the one near Whole Foods.

17 Q. Okay.

18 So would it have been Broadway?

19 A. I don't remember.

20 Q. Do you remember if it was east? West?

21 A. It was 8th, I think.

22 Q. Okay, 8th?

23 A. I'm not 100 percent sure, though.

24 Q. Okay.

25 And the -- sorry. (Reading): The

1 crowd was admonished on multiple occasions  
2 and ultimately left the area walking  
3 eastbound along Broadway Street.

4 Do you recall if people were on the  
5 sidewalk? Were they on the street?

6 A. Both.

7 Q. Do you recall, were they blocking traffic?

8 A. I don't remember.

9 Q. Did the protesters ever themselves shut  
10 the Ferry Street Bridge down?

11 A. I don't remember.

12 Q. You say in the second paragraph that  
13 (reading): After the city-wide curfew was  
14 announced, the crowd refused to disperse and  
15 continued marching toward the intersection of  
16 East 13th Avenue and Patterson Street.

17 When you say they refused to disperse and  
18 continued marching, what was your definition of  
19 "disperse"? What would that have looked as opposed  
20 to marching?

21 A. Marching to me is continuing the same  
22 direction of travel as the crowd and continuing to  
23 chant, versus dispersing meaning everyone kind of  
24 goes their separate ways and the crowd disperses and  
25 leaves.

1 Q. And would groups of two or three be  
2 considered enough -- a small enough group to be --  
3 to constitute dispersing if, like, three people went  
4 off one way?

5 A. I don't know. I don't know.

6 Q. Okay.

7 So when they were failing to disperse at  
8 the moment they were -- that you're writing about  
9 here -- how many different ways were there for  
10 people to leave?

11 A. Multiple.

12 Q. How many -- there were streets. They  
13 could walk down any of the streets that were nearby  
14 them. There wasn't any other -- were there cars  
15 nearby that were parked that people were supposed to  
16 get into?

17 A. I don't know.

18 Q. Okay.

19 So you go on to say that (reading):

20 At approximately 2310 hours I responded to  
21 the intersection of East 13th Avenue and  
22 Patterson Street to assist officers as they  
23 effected an arrest of multiple individuals.  
24 As I provided cover for those officers, I  
25 observed an individual . . .



1 Let me stop there, though.

2 So how did you guys know to drive to East  
3 13th and Patterson? Did you just follow the crowd?

4 A. No. I heard it over the radio.

5 Q. And who was saying that --

6 A. I don't know.

7 Q. Okay.

8 And did somebody tell you to provide  
9 cover, or you already knew that was your -- kind of  
10 your assignment?

11 A. That's general officer safety. Any time  
12 officers make an arrest, it's -- especially in this  
13 situation -- it's important to provide cover for  
14 them so that they could safely do that and safely  
15 take this person into custody.

16 Q. So what were you doing to provide cover?  
17 What actions did you take to provide cover?

18 A. I saw that the crowd was just to the south  
19 of the officers that were trying to effect an  
20 arrest, and so I positioned myself in between the  
21 crowd and the group of officers.

22 Q. Did you tell anybody to leave?

23 A. Yes.

24 Q. Stop standing around?

25 A. I made multiple requests for people to

1 leave.

2 Q. And did they leave?

3 A. One person did not.

4 Q. And why wasn't that person arrested?

5 A. He was arrested.

6 Q. Okay.

7 Who was that?

8 A. Tyler Hendry.

9 Q. Oh, okay.

10 So when you said "to the south," I was  
11 picturing more towards 13th. So I'm trying to  
12 picture which group --

13 A. I'm sorry. I apologize. To the north. I  
14 apologize.

15 Q. No. That's all right. Now I can picture  
16 what you're talk about.

17 A. I'm sorry.

18 Q. Okay.

19 (Reading): As I provided cover for  
20 these officers, I observed an individual  
21 later identified as Tyler James Hendry.

22 Now, in the video of some other officers  
23 it appeared he had a jacket on that said "Canseco"  
24 on the back.

25 Do you recall that?

1 A. I don't.

2 Q. Do you remember any discussions on the  
3 radio about somebody named Canseco live streaming?

4 A. I don't remember that.

5 Q. You say that he was walking towards you?

6 A. Yes.

7 Q. You said -- you say that you advised him  
8 to leave on multiple occasions. So when he was  
9 walking towards you, where was he walking from and  
10 where -- and where were you, approximately?

11 A. I believe he was on the street, and he was  
12 walking toward me and the officers behind me.

13 Q. Okay.

14 So he was on the street. Was he next to  
15 the -- was he closer to the hospital parking lot or  
16 the other side of the street?

17 A. I believe he was closer to the hospital  
18 parking lot.

19 Q. And where were you located?

20 A. Near there.

21 Q. Near the hospital parking lot side of  
22 the --

23 A. Yeah, so the east side. I think I have  
24 that right this time.

25 Q. Okay.

1 And then he was walking south toward you  
2 down the sidewalk or down the street?

3 A. Yes. He -- he was in the street.

4 Q. He was in the street? Okay.

5 A. Yeah.

6 Q. All right.

7 You say (reading): Hendry made no  
8 attempts to leave the area but, rather,  
9 continued walking towards me. I then  
10 observed another police officer advise that  
11 Hendry was under arrest and struggled to take  
12 him into custody.

13 Who was that other officer? Do you know?

14 A. Sergeant Stotts.

15 Q. Stotts? Okay.

16 And when you say he was struggling, what  
17 do you mean by that?

18 A. It appeared to me that Mr. Hendry was  
19 resisting arrest and so it was difficult for  
20 Sergeant Stotts to make the arrest.

21 Q. Did Sergeant Stotts sit on Mr. Hendry?

22 A. No.

23 Q. Did anybody -- did any officer sit on  
24 Mr. Hendry?

25 A. I kind of mounted him but I didn't sit on

1 him.

2 Q. When you say you mounted him, I'm not sure  
3 -- what does that mean?

4 A. When I went to help effect the arrest, I  
5 threw Mr. Hendry to the ground. We landed on the  
6 grass area. And I essentially climbed on top of him  
7 to make an arrest. Both of my knees were on the  
8 ground, so I was essentially kind of straddling him.

9 Q. Was your butt on his body?

10 A. No.

11 Q. What was holding him down to the ground,  
12 then, other than your behind?

13 A. Me, I guess.

14 Q. Your shoulders? Your legs?

15 A. I don't know.

16 Q. Your arms?

17 A. Arms.

18 Q. And besides Sergeant Stotts, was there a  
19 third officer involved in taking Mr. Hendry into  
20 custody?

21 A. I don't believe so.

22 Q. Who handcuffed him?

23 A. I did.

24 Q. Do you remember a discussion about  
25 somebody's glasses being lost?

1 A. Huh-uh. No. Sorry.

2 Q. Do you remember Mr. Hendry apologizing  
3 saying he was trying to help somebody?

4 A. Yeah. After I asked for his name, he gave  
5 me his name, he told me that he was on parole for  
6 robbery but that he was just trying to help someone.  
7 I took that to mean that he was trying to help the  
8 person that was being taken into custody.

9 Q. Who was that?

10 A. I don't know. The individual behind me.

11 Q. North?

12 A. South.

13 Q. South? Okay.

14 So that would have been the black man,  
15 Mr. McClain?

16 A. I don't know.

17 Q. You never saw him?

18 A. No.

19 Q. Wasn't there another individual north who  
20 was walking backwards saying "I lost my glasses"?  
21 You didn't observe that?

22 A. No, I don't -- I wasn't a part of that.

23 Q. Did you see other people walking on the  
24 sidewalk or the street who were not arrested?

25 A. Yes.

1 Q. Did you have any understanding of who --  
2 who had made the choice about who to arrest and who  
3 not to arrest, or why?

4 A. I'm sorry. I don't understand your  
5 question.

6 Q. Did you know who had made decisions about  
7 who to arrest and who not to arrest?

8 A. If you're asking me if I've ever been told  
9 to arrest someone in particular or someone not in  
10 particular, the answer is no.

11 Q. No.

12 That night did you know if there was a  
13 person who had -- an officer -- who had made the  
14 decision of which people to arrest out of that  
15 crowd?

16 A. No.

17 Q. Did you assist with anybody else's arrest?

18 A. No.

19 Q. Other than Mr. Hendry, did you see anybody  
20 resisting?

21 A. No.

22 Q. When you say "resisting," was it passive  
23 or static?

24 A. I don't know. You'd have to talk with  
25 Sergeant Stotts.

1 Q. Well, I mean, you observed -- you said you  
2 observed Mr. Hendry resisting.

3 A. Uh-huh.

4 Q. So what kind of things was he doing to  
5 resist?

6 A. I don't know. You'd have to talk with  
7 Sergeant Stotts.

8 Q. I'm just asking what you observed.

9 A. I observed him not being compliant in  
10 going into handcuffs, and I observed a struggle.  
11 And if you want specifics on that, I would talk with  
12 Sergeant Stotts because he's the one who would have  
13 a better explanation for that than me.

14 Q. So it sounds like you didn't get a real  
15 good view of Mr. Hendry?

16 A. It was incredibly dark out and there was  
17 a lot of people. So -- and there's no street  
18 lights to help with the vision, or view, or  
19 anything, so . . .

20 Q. Isn't there a lot of light from the  
21 hospital garage?

22 A. I don't recall there being. I could be  
23 wrong. I don't know.

24 Q. When you saw Sergeant Stotts struggling  
25 with Mr. Hendry, how were they facing? Were they,



1 like -- could you clearly see both of them? Or  
2 was Sergeant Stotts -- did he have his back to you,  
3 or . . .

4 A. I think Sergeant Stotts had his back to  
5 me. I'm not 100 percent sure.

6 Q. When you were at -- on Patterson between  
7 12th and 13th where people were being arrested, did  
8 you recognize any of the arrestees?

9 A. No.

10 Q. Did your group of officers work with the  
11 Springfield Police Department that night at all?

12 A. Did ours?

13 Q. Yeah.

14 A. I don't believe so.

15 Q. Did you work at all with Federal  
16 Protective Services?

17 A. I don't believe so.

18 Q. Did you hear any discussion of wanting to  
19 identify agitators or aggressors in the crowd?

20 A. No.

21 Q. So if I understand correctly, you said  
22 that before May 29th of last year you hadn't been  
23 involved in responding to any protest. Is that  
24 correct?

25 A. I don't believe so.

1 Q. Okay.

2 A. And this was -- I only worked May 31st.

3 Q. You only work May 31st? Okay.

4 Had -- since then have you --

5 MS. DUGAN: (To Ms. Alvarez) Let me  
6 talk to you afterwards so I can find out what you  
7 were trying to get me to say.

8 BY MS. DUGAN:

9 Q. Let's see.

10 Do you remember a man who was yelling and,  
11 like, throwing his arms in the air and his friends  
12 were kind of pulling him away trying to get him to  
13 calm down? Do you remember anything like that?

14 A. No.

15 Q. Just because there isn't the body cam, I'm  
16 going to have you just draw a diagram of where you  
17 were standing when you first --

18 A. If you watched Sergeant Stotts' body  
19 camera, you can see the beginning of that arrest.

20 Q. Okay.

21 And just because it's so hard to identify  
22 officers in that camera -- in that video -- so let's  
23 see, let's make this -- let's make this 13th and  
24 let's make this Patterson (drawing), whatever. I'm  
25 a terrible drawer.

1 And then we'll make this 12th, the  
2 hospital garage, and then there's houses, I guess,  
3 over here (drawing). Okay.

4 So at the time you were -- and let's just  
5 kind of -- for the sake of doing, like, a relative  
6 -- you know, this isn't going to scale, by any  
7 means. So here (marking) is a person being arrested  
8 and you're providing cover when you first get there.  
9 Right?

10 You said you were providing cover for  
11 somebody -- for other officers?

12 A. Yes.

13 Q. Where -- about where were you standing, if  
14 you could put an X?

15 A. (Witness marks.)

16 Q. Okay.

17 So you were on the sidewalk?

18 A. I believe so.

19 Q. Okay.

20 And then Mr. Hendry starts approaching you  
21 from the north. Approximately where was he? You  
22 could put an "H" for Hendry.

23 A. He was on the roadway (marking).

24 Q. Okay.

25 And he was headed towards you?

1 A. Yeah.

2 Q. Okay.

3 And then when you saw him struggling with  
4 Sergeant Stotts, put an "S" approximately where that  
5 occurred.

6 A. (Witness marks.)

7 Q. Okay.

8 And at that point were you -- had you just  
9 kind of stayed where you were or had you  
10 approached --

11 A. I stayed where I was.

12 Q. Okay. Okay. We'll make this Exhibit 3?

13 (Deposition Exhibit Number 3  
14 marked for identification.)

15 MS. DUGAN: I'm going to take a little  
16 break and we'll be right back.

17 THE VIDEOGRAPHER: We're going off the  
18 record at 3:28 p.m.

19 (Recess: 3:28 to 3:33 p.m.)

20 THE VIDEOGRAPHER: We are back on the  
21 record at 3:30 p.m.

22 BY MS. DUGAN:

23 Q. Okay.

24 The only question I have as a follow-up is  
25 did you at any time advise your supervisor that your

1 body-worn video had not been activated at the  
2 beginning of the public encounter?

3 A. I don't remember.

4 Q. Do you have a duty to do that?

5 A. I believe so.

6 Q. And if so, did you send an email, or you  
7 just don't remember?

8 A. I don't remember. I think it's likely  
9 that I did. I think I might have said it in  
10 passing, but I don't remember specifically.

11 MS. DUGAN: I have no further  
12 questions.

13 THE VIDEOGRAPHER: We are going off  
14 the record at 3:34 p.m.

15 (The deposition was concluded  
16 at 3:34 p.m.)

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1 State of Oregon )  
2 County of Lane ) ss.  
3

4 I, Sara Fahey Wilson, CSR, a Certified Shorthand  
5 Reporter for the State of Oregon, certify that the  
6 witness was sworn and the transcript is a true  
7 record of the testimony given by the witness; that  
8 at said time and place I reported all testimony and  
9 other oral proceedings had in the foregoing matter;  
10 that the foregoing transcript consisting of 36  
11 pages contains a full, true and correct transcript  
12 of said proceedings reported by me to the best of my  
13 ability on said date.

14 If any of the parties or the witness requested  
15 review of the transcript at the time of the  
16 proceedings, such correction pages are attached.

17 IN WITNESS WHEREOF, I have set my hand this 13th  
18 day of July 2021, in the City of Eugene, County of  
19 Lane, State of Oregon.  
20  
21

22 

23 Sara Fahey Wilson, CSR

24 CSR No. 06-0400

25 Expiration Date: March 31st, 2023